IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Mis. Application No. 695 of 2005

Raju @ Rajkumar
S/o Shri Martin
R/o 17, D-1 Road,
Ambedkar colony
Dehradun,
District Dehradun

Applicant

Versus

1 Special Judicial Magistrate IInd,
Dehradun

2 Constable 416 CP Diwakar Lal @
Diwakar Prassad
Reporting out Post Nayagaon Pelio
Police Station Kotwali, Dehradun
District Dehradun

respondents

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. PC has been filed for seeking direction from this court to expedite the criminal case No. 914 of 2003 State vs Raju @ Rajkumar under Section 60 of Excise Act, pending in the court of Special Judicial Magistrate IInd, Dehradun.

Brief facts of the case giving rise to this petition are that a case under Section 60 of Excise Act is pending before the court of Special Judicial Magistrate IInd Dehradun since 2003.

It appears from the affidavit that a First Information Report was lodged in the year 1996 and thereafter a case No. 94 of 1997 was pending in the court of Judicial Magistrate concerned. It was subsequently transferred and renumbered as criminal case No. 914 of 2003 State vs Raju @ Rajkumar under Section 60 of Excise Act in the court of Special Magistrate IInd Dehradun.

It is submitted by learned counsel for the petitioner that the case is being fixed before the trial court. The applicant has been appearing before the court on every date but the case is languishing for no reason and rhyme. It has also been submitted that the prosecution has not been able to produce the evidence as yet even after a lapse of long time.

Having considered the averments made in the affidavit I am of the view that the matter should be decided expeditiously.

I accordingly dispose of the petition finally and direct the trial court for deciding the case No. 914 of 2003 State Vs Raju @ Rajkumar under Section 60 of Excise Act, within a period of three months.

(B.C. Kandpal.J)

7.10.2005
nbj